

## CHAPTER 20.84

### TIME SHARE DEVELOPMENTS

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#### **20.84.010 Intent**

The City Council finds that time-share projects differ in many aspects from other transient visitor facilities in types of construction, forms of ownership, patterns of use and occupancy, and commercial management; and the City Council determines that the unique features of time-share projects can have effects on both the areas surrounding such use and the whole of the City. Therefore, this ordinance is adopted to protect the health, safety, peace, and welfare of the public by providing additional land use and property development regulations for time-share developments within the City of Newport Beach.

#### **20.84.020 Definitions**

The following terms used herein shall have the meanings indicated:

- A. Time-share Project. Any development wherein a purchaser receives the right in perpetuity, for life, or for a term of years, to the recurrent, exclusive use or occupancy of a lot, parcel, unit, room(s), or segment of real property, annually or on some other seasonal or periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided and shall include, but not be limited to time-share estate, interval ownership, vacation license, vacation lease, club membership, time-share use, hotel/condominium, or uses of a similar nature.
- B. Time-share Estate. A right of occupancy in a time-share project that is coupled with an estate in the real property.
- C. Time-share Interval. The period or length of time of occupancy in a time-share unit.

- D. Time-share Unit. Each portion of the real property or real property improvement in a project that is divided into time-share intervals.
- E. Time-share Use. A license or contractual or membership right of occupancy in a time-share project that is not coupled with an estate in the real property.

#### **20.84.030      Where Permitted**

Time-share projects are permitted only in commercial districts, including the commercial portions of specific plan districts and planned community districts.

#### **20.84.040      Application Process**

- A. Use Permit Required. Approval of a use permit in accordance with the provisions of Chapter 20.91 is required for the establishment of time-share project.
- B. Application Requirements. In addition to the application requirements contained in Chapter 20.91, an application for a time-share project shall be accompanied by the following documents which shall be subject to approval of the Planning Director:
  - 1. Sales Plan: A Sales Plan shall address the times, areas and methods that will be used to sell the time-share project. Factors to be defined in the plan shall include, but not be limited to; the location, length, and marketing methods that will be used, distinguishing on-site and off-site marketing and signage; and an estimate of the potential numbers of individuals and automobiles expected during various stages of the sales effort. The plan also shall describe measures that will be implemented to reduce traffic during peak hours.
  - 2. Management Plan: A Management Plan shall describe the methods employed by the applicant to guarantee the future adequacy, stability, and continuity of a satisfactory level of management and maintenance of a time-share project.
  - 3. Contingency Plan: A Contingency Plan shall address the actions to be taken by the applicant if the time-share project is an economic failure or fails to sell 50 percent of the time-share estates or uses within two years of receiving a permit to occupy the first unit.

#### **20.84.050 Development Agreement**

The City and the operator of any time-share project shall enter into a Development Agreement, under the provisions of Chapter 15.45 of the City of Newport Beach Municipal Code, relating to the amount of tax payable to the City by any time-share owner for the right of occupancy of any time-share unit.

#### **20.84.060 Development and Operational Regulations**

- A. Property Development Regulations. Time-share projects shall comply with the property development regulations for the zoning district in which it is located.
- B. Conversion of Existing Dwelling Units Prohibited. The conversion of existing residential dwelling units into time-share units shall be prohibited.
- C. Minimum Number of Units. Each time-share project shall be have a minimum of 100 time-share units. Time-share projects consisting of less than 100 units, but developed or converted in conjunction with a resort hotel complex of 300 or more shall be considered to be in conformance with this requirement.
- D. Parking. Parking shall be provided at a ratio of 1.2 spaces per unit, plus 1 per 50 square feet of banquet seating or meeting area.
- E. Required Amenities. Time-share projects shall be developed with substantial recreational amenities. Such amenities include, but are not limited to, golf courses, tennis courts, and swimming pools.
- F. Modification or Waiver. The Planning Commission, or the City Council on appeal or call for review, may modify or waive any of the development and operational regulations contained in this section if strict compliance with the regulations is determined to be unnecessary to achieve the purpose and intent of this chapter.